

ESTTA Tracking number: **ESTTA465487**

Filing date: **04/04/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|                                       |  |
|---------------------------------------|--|
| Name                                  | Century 21 Real Estate LLC   |
| Granted to Date of previous extension | 04/04/2012   |
| Address                               | 1 Campus Drive<br>Parsippany, NJ 07054<br>UNITED STATES  |
| Attorney information                  | Raffi V. Zerounian<br>Zuber & Taillieu LLP<br>777 South Figueroa Street 37th Floor<br>Los Angeles, CA 90017<br>UNITED STATES<br>rzerounian@ztlp.com Phone:213-596-5620 |

### Applicant Information

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 85362426  | Publication date       | 12/06/2011 |
| Opposition Filing Date | 04/04/2012  | Opposition Period Ends | 04/04/2012 |
| Applicant              | Donald VanDyne<br>11 Summer Street Suite 8<br>Chelmsford, MA 01824<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition


Class 036.


All goods and services in the class are opposed, namely: Providing a database of information about residential real estate listings in different neighborhoods and communities; Providing a database of residential real estate listings within neighborhoods and communities specifically identified by users; Providing an Internet website portal offering information in the fields of real estate concerning the purchase and sale of new and resale homes and condos; Providing information in the field of real estate by means of linking the web site to other web sites featuring real estate information; Providing information in the field of real estate via the Internet; Providing real estate listings and real estate information via the Internet; Providing real estate listings via the Internet; Real estate consultation; Real estate financing services; Real estate listing; Real estate services in the form of providing physical access to available properties via a remote call-in locking device; Real estate services, namely, providing online questions to help users determine the best neighborhoods and communities suited to their individual needs and preferences

### Grounds for Opposition


|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

## Marks Cited by Opposer as Basis for Opposition

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2300743   | Application Date      | 02/19/1998 |
| Registration Date     | 12/14/1999  | Foreign Priority Date | NONE       |
| Word Mark             | 21ST CENTURY  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 035. First use: First Use: 1993/08/25 First Use In Commerce: 1993/08/25 estimating of contracting work<br>Class 037. First use: First Use: 1993/08/25 First Use In Commerce: 1993/08/25 residential and commercial construction and renovation services, namely, exterior and interior painting, roofing installation, window replacement, kitchen remodeling and siding installation |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3116448   | Application Date      | 02/11/2005 |
| Registration Date     | 07/18/2006  | Foreign Priority Date | NONE       |
| Word Mark             | 21ST CENTURY  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1988/01/31 First Use In Commerce: 1988/01/31 INSURANCE UNDERWRITING SERVICES IN THE FIELDS OF PERSONAL AUTOMOBILE INSURANCE AND PERSONAL UMBRELLA INSURANCE POLICIES |                       |            |

|                       |                       |                       |            |
|-----------------------|-----------------------|-----------------------|------------|
| U.S. Registration No. | 3055063               | Application Date      | 02/11/2005 |
| Registration Date     | 01/31/2006            | Foreign Priority Date | NONE       |
| Word Mark             | 21ST CENTURY CASUALTY |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | NONE  |
| Goods/Services      | Class 036. First use: First Use: 1988/01/31 First Use In Commerce: 1988/01/31 INSURANCE UNDERWRITING SERVICES IN THE FIELDS OF PERSONAL AUTOMOBILE INSURANCE AND PERSONAL UMBRELLA INSURANCE POLICIES |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3106265   | Application Date      | 02/11/2005 |
| Registration Date     | 06/20/2006  | Foreign Priority Date | NONE       |
| Word Mark             | 21ST CENTURY INSURANCE  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 INSURANCE UNDERWRITING SERVICES IN THE FIELDS OF PERSONAL AUTOMOBILE INSURANCE AND PERSONAL UMBRELLA INSURANCE POLICIES |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2960793  | Application Date      | 12/17/2002 |
| Registration Date     | 06/07/2005   | Foreign Priority Date | NONE       |
| Word Mark             | AT HOME WITH CENTURY 21  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 016. First use: First Use: 2003/04/30 First Use In Commerce: 2003/04/30 Magazines targeting home buyers and sellers, namely, magazines regarding real estate |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1063488   | Application Date      | 01/13/1975 |
| Registration Date     | 04/12/1977  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 035. First use: First Use: 1972/04/16 First Use In Commerce: 1972/04/16<br>REAL ESTATE BROKERAGE SERVICES |                       |            |


|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1085039   | Application Date      | 07/14/1977 |
| Registration Date     | 02/07/1978  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 035. First use: First Use: 1972/04/16 First Use In Commerce: 1972/04/16<br>RENDERING TECHNICAL ASSISTANCE TO OTHERS IN THE<br>ESTABLISHMENT AND/OR OPERATION OF REAL ESTATE BROKERAGE<br>BUSINESSES |                       |            |

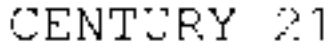
|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1304095   | Application Date      | 04/15/1983 |
| Registration Date     | 11/06/1984  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1983/02/15 First Use In Commerce: 1983/02/15<br>Mortgage Brokerage Services and Assisting Lending Institutions in the<br>Processing of Loans |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1429531   | Application Date      | 07/10/1986 |
| Registration Date     | 02/17/1987  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00<br>INSURANCE BROKERAGE SERVICES |                       |            |


|                       |         |                  |            |
|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 2178970 | Application Date | 03/13/1996 |
|-----------------------|---------|------------------|------------|


|                     |  |                       |      |
|---------------------|--|-----------------------|------|
| Registration Date   | 08/04/1998   | Foreign Priority Date | NONE |
| Word Mark           | CENTURY 21   |                       |      |
| Design Mark         |  |                       |      |
| Description of Mark | NONE   |                       |      |
| Goods/Services      | Class 042. First use: First Use: 1997/03/31 First Use In Commerce: 1997/03/31 providing access [ to a computer bulletin board and ] to the interactive computer databases of others in the fields of real estate, insurance and mortgage services, via a global computer network |                       |      |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2662159   | Application Date      | 07/02/2001 |
| Registration Date     | 12/17/2002  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 016. First use: First Use: 1996/03/31 First Use In Commerce: 1996/03/31 Printed publications, namely magazines for homeowners dealing with interior and exterior decorating published every other month and/or at various intervals |                       |            |


|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2762774   | Application Date      | 05/18/2000 |
| Registration Date     | 09/09/2003  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE  |                       |            |

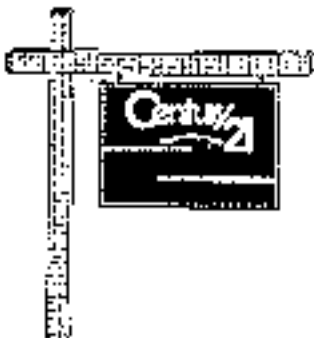
|                |  |  |  |
|----------------|--|--|--|
| Goods/Services | Class 036. First use: First Use: 2000/10/31 First Use In Commerce: 2000/10/31<br>Mortgage banking services |  |  |
|----------------|--|--|--|

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1631850  | Application Date      | 01/11/1989 |
| Registration Date     | 01/15/1991   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | THE MARK CONSISTS, IN PART, OF THE WORDS "CENTURY 21" AND A STYLIZED HOUSE DESIGN.   |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1972/00/00 First Use In Commerce: 1972/00/00<br>REAL ESTATE BROKERAGE, AND INSURANCE BROKERAGE SERVICES |                       |            |


|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1085040   | Application Date      | 07/14/1977 |
| Registration Date     | 02/07/1978  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |                             |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 035. First use: First Use: 1972/04/16 First Use In Commerce: 1972/04/16<br>REAL ESTATE BROKERAGE SERVICES |                       |            |


|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1104464    | Application Date      | 08/22/1977 |
| Registration Date     | 10/17/1978 | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | THE MARK CONSISTS OF APPLICANT'S MARK "CENTURY 21" AND BUILDING DESIGN SHOWN IN A FIVE (5) TO ONE (1) RATIO TO THE RECTANGULAR SPACE OUTLINED AT THE BOTTOM OF THE DRAWING. THIS RECTANGULAR SPACE CONTAINS THE CORPORATE OR TRADE NAME OF APPLICANT'S INDIVIDUAL LICENSEES WHEN AFFIXED TO VARIOUS SIGNS AND OTHER MATERIALS USED BY APPLICANT AND/OR ITS LICENSEES. |
| Goods/Services      | Class 036. First use: First Use: 1972/04/16 First Use In Commerce: 1972/04/16<br>REAL ESTATE BROKERAGE SERVICES   |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1263774   | Application Date      | 05/16/1980 |
| Registration Date     | 01/10/1984  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21  |                       |            |
| Design Mark           |                              |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1972/04/00 First Use In Commerce: 1972/04/00<br>Real Estate Brokerage Services |                       |            |


|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2027670    | Application Date      | 02/09/1995 |
| Registration Date     | 12/31/1996 | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 |                       |            |


|                     |  |
|---------------------|--|
| Design Mark         |                             |
| Description of Mark | The mark consists in part of the stylized representation of a house.   |
| Goods/Services      | Class 036. First use: First Use: 1996/04/01 First Use In Commerce: 1996/04/01 real estate brokerage services |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3219883   | Application Date      | 04/03/2006 |
| Registration Date     | 03/20/2007  | Foreign Priority Date | NONE       |
| Word Mark             | NONE  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | The mark consists of a stylized depiction of a house, with two diagonal lines representing a roof, a vertical line representing a wall, and a horizontal line representing a floor. |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1972/04/16 First Use In Commerce: 1972/04/16 real estate brokerage services  |                       |            |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3219884    | Application Date      | 04/03/2006 |
| Registration Date     | 03/20/2007 | Foreign Priority Date | NONE       |
| Word Mark             | NONE       |                       |            |




|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | The mark consists of a stylized depiction of a house, with two diagonal lines representing the roof, and a vertical line representing a wall. |
| Goods/Services      | Class 036. First use: First Use: 1972/04/16 First Use In Commerce: 1972/04/16 real estate brokerage services                                  |


|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2656899  | Application Date      | 02/02/2000 |
| Registration Date     | 12/03/2002   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 BUILDER CONNECTIONS   |                       |            |
| Design Mark           |                           |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2000/06/01 First Use In Commerce: 2000/06/01 Real estate brokerage services |                       |            |


|                       |                       |                       |            |
|-----------------------|-----------------------|-----------------------|------------|
| U.S. Registration No. | 3219828               | Application Date      | 03/02/2006 |
| Registration Date     | 03/20/2007            | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 COMMERCIAL |                       |            |


|                     |  |
|---------------------|--|
| Design Mark         | CENTURY 21 COMMERCIAL  |
| Description of Mark | NONE   |
| Goods/Services      | Class 036. First use: First Use: 2000/10/31 First Use In Commerce: 2000/10/31 real estate brokerage services |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2158319   | Application Date      | 11/05/1996 |
| Registration Date     | 05/19/1998  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 COMMERCIAL   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1996/07/01 First Use In Commerce: 1996/07/01 real estate brokerage, management and leasing services, business brokerage services, and real estate investment consulting services |                       |            |

|                       |                       |                       |            |
|-----------------------|-----------------------|-----------------------|------------|
| U.S. Registration No. | 3253260               | Application Date      | 02/15/2006 |
| Registration Date     | 06/19/2007            | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 COMMERCIAL |                       |            |

|                     |  |  |
|---------------------|--|--|
| Design Mark         |                             |  |
| Description of Mark | The mark consists of the words "CENTURY 21 COMMERCIAL" underneath a depiction of a city skyline.             |  |
| Goods/Services      | Class 036. First use: First Use: 2000/10/31 First Use In Commerce: 2000/10/31 real estate brokerage services |  |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3841423  | Application Date      | 02/22/2010 |
| Registration Date     | 08/31/2010   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 CONNECTIONS   |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 035. First use: First Use: 1999/01/14 First Use In Commerce: 1999/01/14 Promoting the goods and services of others through distribution of coupons and promotional materials and by arranging for discounts and rebates in connection with the purchase of home security systems, long distance telephone services, car and truck rental services, home warranty services, hotel and temporary housing services, tax services, satellite television services, home heating oil, environmental and consulting services; and lawn and garden equipment |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3007069  | Application Date      | 03/15/2004 |
| Registration Date     | 10/18/2005   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 FINE HOMES & ESTATES  |                       |            |
| Design Mark           |  |                       |            |

|                     |   |
|---------------------|---|
| Description of Mark | NONE  |
| Goods/Services      | Class 036. First use: First Use: 2002/12/01 First Use In Commerce: 2002/12/01<br>Real estate brokerage services |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3154137    | Application Date      | 01/05/2006 |
| Registration Date     | 10/10/2006 | Foreign Priority Date | NONE       |

|           |                                 |
|-----------|---------------------------------|
| Word Mark | CENTURY 21 FINE HOMES & ESTATES |
|-----------|---------------------------------|

|             |   |
|-------------|---|
| Design Mark |  |
|-------------|---|

|                     |  |
|---------------------|--|
| Description of Mark | The mark consists of the words CENTURY 21 FINE HOMES & ESTATES and a design of a gate within a beveled border. |
|---------------------|--|

|                |  |
|----------------|--|
| Goods/Services | Class 036. First use: First Use: 2003/06/30 First Use In Commerce: 2003/06/30<br>Real estate brokerage |
|----------------|--|

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2725830    | Application Date      | 02/07/2001 |
| Registration Date     | 06/10/2003 | Foreign Priority Date | NONE       |

|           |                                    |
|-----------|------------------------------------|
| Word Mark | CENTURY 21 GLOBAL REFERRAL NETWORK |
|-----------|------------------------------------|

|             |  |
|-------------|--|
| Design Mark |  |
|-------------|--|

|                     |      |
|---------------------|------|
| Description of Mark | NONE |
|---------------------|------|


|                |  |
|----------------|--|
| Goods/Services | Class 035. First use: First Use: 2001/02/28 First Use In Commerce: 2001/02/28<br>Referral services in the field of real estate offered worldwide |
|----------------|--|

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1161341    | Application Date      | 12/06/1979 |
| Registration Date     | 07/14/1981 | Foreign Priority Date | NONE       |

|                     |  |
|---------------------|--|
| Word Mark           | CENTURY 21 HOME PROTECTION PLAN  |
| Design Mark         | CENTURY 21 HOME PROTECTION<br>PLAN   |
| Description of Mark | NONE   |
| Goods/Services      | Class 037. First use: First Use: 1978/11/15 First Use In Commerce: 1978/11/15 Home Contract Services-Namely, Repair or Replacement of Plumbing, Electrical and Hot Water Systems |


|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2585459  | Application Date      | 03/05/2001 |
| Registration Date     | 06/25/2002   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 LEARNING SYSTEM   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 041. First use: First Use: 2000/11/07 First Use In Commerce: 2000/11/07 EDUCATIONAL SERVICES, NAMELY, CONDUCTING TRAINING SESSIONS IN GROUPS, BOTH IN PERSON AS WELL AS VIA A GLOBAL COMPUTER NETWORK, IN THE FIELD OF REAL ESTATE BROKERAGE |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2633322  | Application Date      | 10/25/2000 |
| Registration Date     | 10/08/2002   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 MATURE MOVES  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2001/04/30 First Use In Commerce: 2001/04/30 REAL ESTATE BROKERAGE SERVICES |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2633331  | Application Date      | 11/22/2000 |
| Registration Date     | 10/08/2002   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 MATURE MOVES  |                       |            |
| Design Mark           |                          |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2001/04/30 First Use In Commerce: 2001/04/30 REAL ESTATE BROKERAGE SERVICES |                       |            |

|                   |         |                  |            |
|-------------------|---------|------------------|------------|
| U.S. Registration | 2615437 | Application Date | 03/08/2001 |
|-------------------|---------|------------------|------------|

|                     |   |                       |      |
|---------------------|---|-----------------------|------|
| No.                 |   |                       |      |
| Registration Date   | 09/03/2002  | Foreign Priority Date | NONE |
| Word Mark           | CENTURY 21 MORTGAGE   |                       |      |
| Design Mark         |   |                       |      |
| Description of Mark | NONE  |                       |      |
| Goods/Services      | Class 036. First use: First Use: 2000/09/30 First Use In Commerce: 2000/09/30 mortgage banking services |                       |      |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1307407   | Application Date      | 04/15/1983 |
| Registration Date     | 11/27/1984  | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 MORTGAGE CORPORATION   |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1983/02/15 First Use In Commerce: 1983/02/15 Mortgage Brokerage Services and Assisting Lending Institutions in the Processing of Loan Applications |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1551266  | Application Date      | 11/14/1988 |
| Registration Date     | 08/08/1989   | Foreign Priority Date | NONE       |
| Word Mark             | CENTURY 21 STAR  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 036. First use: First Use: 1988/09/00 First Use In Commerce: 1988/09/00 REAL ESTATE BROKERAGE AND LEASING AND MORTGAGE BANKING SERVICES FOR MILITARY PERSONNEL |                       |            |

|                       |                                |                       |            |
|-----------------------|--------------------------------|-----------------------|------------|
| U.S. Registration No. | 2398595                        | Application Date      | 12/31/1998 |
| Registration Date     | 10/24/2000                     | Foreign Priority Date | NONE       |
| Word Mark             | REAL ESTATE FOR THE REAL WORLD |                       |            |

|                     |  |
|---------------------|--|
| Design Mark         | <b>REAL ESTATE FOR THE REAL WORLD</b>  |
| Description of Mark | NONE   |
| Goods/Services      | Class 036. First use: First Use: 1999/02/10 First Use In Commerce: 1999/02/10 real estate brokerage services |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2815094  | Application Date      | 03/18/2003 |
| Registration Date     | 02/17/2004   | Foreign Priority Date | NONE       |
| Word Mark             | REAL ESTATE FOR YOUR WORLD   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2003/02/24 First Use In Commerce: 2003/02/24 real estate brokerage services |                       |            |

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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

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| Signature | /RVZ/              |
| Name      | Raffi V. Zerounian |
| Date      | 04/04/2012         |



1                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                   **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

3   Application Serial No. 85/362,426  
4   Mark: REAL DEAL FOR 21ST CENTURY REALTY

5   CENTURY 21 REAL ESTATE LLC,  
6   a limited liability company,

7                   Opposer,

8                   v.

9   DONALD VANDYNE,  
10   an individual,

11                  Applicant.

Opposition No. \_\_\_\_\_

12  
13                   **NOTICE OF OPPOSITION**

14           Opposer Century 21 Real Estate LLC (“Opposer”) believes that it will be damaged by  
15   registration of the mark shown in Serial No. 85/362,426 filed by Applicant Donald VanDyne  
16   (“Applicant”), and hereby opposes that trademark application.

17           1.       Century 21 Real Estate LLC is a Delaware limited liability company having a place  
18   of business at 1 Campus Drive, Parsippany, New Jersey 07054.

19           2.       Applicant filed an intent-to-use trademark application on July 2, 2011 with no  
20   claimed date of first use. Applicant’s proposed mark is REAL DEAL FOR 21ST CENTURY  
21   REALTY for “Providing a database of information about residential real estate listings in different  
22   neighborhoods and communities; Providing a database of residential real estate listings within  
23   neighborhoods and communities specifically identified by users; Providing an Internet website portal  
24   offering information in the fields of real estate concerning the purchase and sale of new and resale  
25   homes and condos; Providing information in the field of real estate by means of linking the web site  
26   to other web sites featuring real estate information; Providing information in the field of real estate  
27   via the Internet; Providing real estate listings and real estate information via the Internet; Providing  
28   real estate listings via the Internet; Real estate consultation; Real estate financing services; Real

estate listing; Real estate services in the form of providing physical access to available properties via a remote call-in locking device; Real estate services, namely, providing online questions to help users determine the best neighborhoods and communities suited to their individual needs and preferences” in International Class 36 (“Applicant’s Mark”). The United States Patent and Trademark Office published that application for opposition on December 6, 2011. The Board granted Opposer’s first request for an extension of time to oppose Applicant’s Mark on December 27, 2011 and granted Opposer’s second such request on February 3, 2012. Thus, the opposition proceeding is timely.

### **Opposer’s Marks**

3. Opposer is the owner in the United States of federal registrations for the marks CENTURY 21 and 21<sup>st</sup> CENTURY, as well as various CENTURY 21 and 21<sup>st</sup> CENTURY-formative and/or inclusive marks (“Registered Marks”). The Registered Marks include, but are not limited to, the following:

| Mark                    | Reg. No. | Reg. Date   | Goods and Services  |
|-------------------------|----------|-------------|---|
| 21ST CENTURY            | 2300743  | 14-Dec-1999 | Estimating of contracting work; residential and commercial construction and renovation services, namely, exterior and interior painting, roofing installation, window replacement, kitchen remodeling and siding installation |
| 21ST CENTURY            | 3116448  | 18-Jul-2006 | Insurance underwriting services in the fields of personal automobile insurance and personal umbrella insurance policies.  |
| 21ST CENTURY CASUALTY   | 3055063  | 31-Jan-2006 | Insurance underwriting services in the fields of personal automobile insurance and personal umbrella insurance policies.  |
| 21ST CENTURY INSURANCE  | 3106265  | 20-Jun-2006 | Insurance underwriting services in the fields of personal automobile insurance and personal umbrella insurance policies.  |
| AT HOME WITH CENTURY 21 | 2960793  | 07-Jun-2005 | Magazines targeting home buyers and sellers, namely, magazines regarding real estate  |
| CENTURY 21              | 1063488  | 12-Apr-1977 | Real estate brokerage services  |
| CENTURY 21              | 1085039  | 07-Feb-1978 | Rendering technical assistance to others in the establishment and/or operation of real estate brokerage businesses.   |
| CENTURY 21              | 1304095  | 06-Nov-1984 | Mortgage brokerage services and assisting lending institutions in the processing of loans   |
| CENTURY 21              | 1429531  | 17-Feb-1987 | Insurance brokerage services.   |
| CENTURY 21              | 2178970  | 04-Aug-1998 | providing access to the interactive computer databases of others in the fields of real estate, insurance and mortgage services, via a global computer network   |
| CENTURY 21              | 2662159  | 17-Dec-2002 | Printed publications, namely magazines for  |

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| Mark  | Reg. No. | Reg. Date   | Goods and Services  |
|---|----------|-------------|---|
|   |          |             | homeowners dealing with interior and exterior decorating published every other month and/or at various intervals  |
| CENTURY 21  | 2762774  | 09-Sep-2003 | Mortgage banking services   |
| CENTURY 21 & Jacket Design                        | 1631850  | 15-Jan-1991 | Real estate brokerage, and insurance brokerage services.  |
| CENTURY 21 & New House Design                     | 1085040  | 07-Feb-1978 | Real estate brokerage services.   |
| CENTURY 21 & New House Design                     | 1104464  | 17-Oct-1978 | Real estate brokerage services.   |
| CENTURY 21 & Sign & Post Design                   | 1263774  | 10-Jan-1984 | Real estate brokerage services  |
| CENTURY 21 & Sign Design                          | 2027670  | 31-Dec-1996 | Real estate brokerage services  |
| CENTURY 21 (New House Design with Floor)          | 3219883  | 20-Mar-2007 | Real estate brokerage services  |
| CENTURY 21 (New House Design)                     | 3219884  | 20-Mar-2007 | Real estate brokerage services  |
| CENTURY 21 BUILDER CONNECTIONS & Design           | 2656899  | 03-Dec-2002 | Real estate brokerage services  |
| CENTURY 21 COMMERCIAL                             | 3219828  | 20-Mar-2007 | Real estate brokerage services  |
| CENTURY 21 COMMERCIAL & Design                    | 2158319  | 19-May-1998 | Real estate brokerage, management and leasing services, business brokerage services, and real estate investment consulting services   |
| CENTURY 21 COMMERCIAL & Design                    | 3253260  | 19-Jun-2007 | real estate brokerage services  |
| CENTURY 21 CONNECTIONS                            | 3841423  | 31-Aug-2010 | Promoting the goods and services of others through distribution of coupons and promotional materials and by arranging for discounts and rebates in connection with the purchase of home security systems, long distance telephone services, car and truck rental services, home warranty services, hotel and temporary housing services, tax services, satellite television services, home heating oil, environmental and consulting services; and lawn and garden equipment. |
| CENTURY 21 FINE HOMES & ESTATES                   | 3007069  | 18-Oct-2005 | Real estate brokerage services.   |
| CENTURY 21 FINE HOMES & ESTATES & New Gate Design | 3154137  | 10-Oct-2006 | Real estate brokerage   |
| CENTURY 21 GLOBAL REFERRAL NETWORK & Design       | 2725830  | 10-Jun-2003 | Referral services in the field of real estate offered worldwide.  |
| CENTURY 21 HOME PROTECTION PLAN                   | 1161341  | 14-Jul-1981 | Home contract services, namely, repair or replacement of plumbing, electrical and hot water systems   |
| CENTURY 21 LEARNING SYSTEM                        | 2585459  | 25-Jun-2002 | Educational services, namely, conducting training sessions in groups, both in person as well as via a global computer network, in the field of real estate brokerage.   |
| CENTURY 21 MATURE MOVES                           | 2633322  | 08-Oct-2002 | Real Estate Brokerage services  |
| CENTURY 21 MATURE MOVES & Design                  | 2633331  | 08-Oct-2002 | Real estate brokerage services  |
| CENTURY 21 MORTGAGE                               | 2615437  | 03-Sep-2002 | Mortgage banking services   |

| Mark                           | Reg. No. | Reg. Date   | Goods and Services   |
|--------------------------------|----------|-------------|--|
| CENTURY 21 MORTGAGE & Design   | 1307407  | 27-Nov-1984 | Mortgage brokerage services and assisting lending institutions in the processing of loan applications. |
| CENTURY 21 STAR                | 1551266  | 08-Aug-1989 | Real estate brokerage & leasing & mortgage banking services for military personnel                     |
| REAL ESTATE FOR THE REAL WORLD | 2398595  | 24-Oct-2000 | Real estate brokerage services   |
| REAL ESTATE FOR YOUR WORLD     | 2815094  | 17-Feb-2004 | Real estate brokerage services   |

4. These registrations are valid, subsisting, and enforceable, and constitute *prima facie* evidence of Opposer's exclusive right to use the Registered Marks in commerce in connection with the goods and services specified in those registrations. Furthermore, many of the Registered Marks are incontestable.

5. Opposer has also established common law rights in the Registered Marks. These common law rights were enforceable long before Applicant filed the trademark application at issue, and, on information and belief, easily predate Applicant's first use, if any, of Applicant's Mark.

#### **Likelihood of Confusion**

6. Applicant's Mark so resembles the Registered Marks that, when used in connection with the services identified in Applicant's trademark application at issue, is likely to cause confusion, or to cause mistake, or to deceive, as to source, sponsorship, or affiliation.

7. The dominant element of Applicant's Mark is 21<sup>st</sup> CENTURY REALTY, which prominently uses both CENTURY and 21—the most common and distinctive elements of the Registered Marks. Moreover, Applicant claims he intends to offer services within the real estate field that are closely related to the myriad of services that Opposer offers in connection with the Registered Marks in the exact same field. Opposer believes that in the normal course of business, Opposer and Applicant will likely offer their respective services in the same channels of trade and will likely focus their marketing and promotional efforts in overlapping channels. Therefore, Applicant's use of Applicant's Mark is likely to deceive and confuse consumers as to the source of Applicant's services and will suggest an affiliation or relationship with Opposer that does not exist.

8. The registration of Applicant's Mark on the Principal Register would be

1 inconsistent with Opposer's rights under the aforementioned registrations and common law, and  
2 it would be damaging to Opposer.

3 9. Accordingly, the Board should refuse registration of Applicant's Mark under  
4 Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

5 WHEREFORE, Opposer prays that this opposition be sustained, that Serial No. 85/362,426  
6 be rejected, and that no registration be issued to Applicant.

7 Opposer hereby appoints Zuber & Taillieu LLP, a law firm composed of members of the bar  
8 of the State of California, to act as attorneys for Opposer herein, with full power to prosecute this  
9 opposition proceeding, to transact all relevant business with the United States Patent and Trademark  
10 Office and in the United States Courts, and to receive all official communications in connection with  
11 this opposition proceeding.

12 Dated: April 4, 2012

Respectfully submitted:

13 **ZUBER & TAILLIEU LLP**

14 Raffi V. Zerounian (Cal. SBN 236388)

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17 By: /s/ Raffi V. Zerounian  
18 Attorneys for Opposer Century 21 Real Estate  
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**CERTIFICATE OF MAILING**

I hereby certify that a true and correct copy of the attached **NOTICE OF OPPOSITION** was served on Applicant's counsel of record via first-class mail, postage prepaid, addressed to Joseph Stecewycz, Box 1309, Groton, Massachusetts 01450, on April 4, 2012.

\_\_\_\_\_  
/s/  
Mekaela Stevens